

**CERTIFICATE OF MAILING**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10, Mailing Label Number: EL846226719US on 03 August 2001, and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.

  
\_\_\_\_\_  
Judy Jarecki-Black, Ph.D., J.D.

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"AVIAN LYSOZYME PROMOTER"**

the specification of which is attached hereto

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information of which I am aware that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) and/or any international priority benefits under Title 35, United States Code, §365 based on the following foreign and/or international application(s) listed below, and also identify below any foreign and/or international application(s) for patent or inventor's certificate having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s):          None.

0992549-030301

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) that occurred between the filing of the prior application and the national or PCT international filing date of this application.

Prior U.S. Application(s): U.S. Provisional Application having Serial No. 60/280,004 and filed March 30, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

JUDY JARECKI-BLACK, Reg. No. 44,170  
AviGenics, inc.  
425 River Road  
Athens, Georgia 30602-2771  
(706) 227-1170 Ext. 232

Full name of Inventor: Jeffrey C. Rapp

Executed on the 3<sup>rd</sup> day of August, 2001

Inventor's Signature: \_\_\_\_\_

*Jeffrey C. Rapp*

Residence: 265 Pinewood Circle, Athens, Georgia 30606  
Post Office Address: Same as Above  
Citizenship: United States of America